



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 22626 of 2021

Shivnaresh Gautam

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Rahila Sikandar, Ram Naresh Shukla,
Ravi Kant, Vatsala, Vishal Mishra
Counsel for Opposite Party(s) : Arvind Kumar, G.A., Himanshu
Pandey, Rajesh Kumar Singh, Suved
Kumar Sharma

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Matter is taken up at 02:30 p.m. Office has placed the supplementary affidavit dated 12.09.2025 on the record. In paragraph-3 of the said affidavit, the applicant has averred that the applicant is ready to deposit an amount of Rs. 25,000/- for the purposes of online mediation proceedings and will appear through video conferencing on any date to be fixed by this Court.

2. An order dated 12.09.2025 passed by Hon'ble Apex Court in Petition(s) for Special Leave to Appeal (Crl) No. 14068 of 2025 arising out of order dated 19.08.2025 passed in the connected petition i.e. Application U/s 482 No. 21730 of 2021, is placed by learned counsel for the applicant before this Court. It is taken on record.

3. Perusal of the aforesaid order shows that family members of Shivnaresh Gautam (applicant) have been granted protection in view of paragraph nos. 13 to 15 of the order dated 01.09.2025 as passed by this Court (which mentions about mediation proceedings being conducted by this Court). From a perusal of said order passed by the Apex Court, it is

also evident that nothing has been stated about Shivnaresh Gautam (applicant).

4. Today, while the matter was taken up before lunch, Mr. Kamal Krishna, learned Senior Advocate assisted by Mr. Saif Ali, learned counsel, who has filed vakalatnama to appear on behalf of the applicants in the connected matter, stated that he has no instructions to appear in this matter. However, after lunch, learned Senior Counsel states that he has instructions to appear in the present case also. He requests for further time to prepare the case.

5. Assessing the plight of O.P. No. 2, who is a desperate lady, it is painful to note, how she has been left destitute and compelled to run from pillar to post in pursuit of justice. As has already been observed by this Court in previous orders passed in the present case as well as in similarly situated matters, it is experienced that unfortunately, lawyers are often unwilling to argue the matter on its merits, instead furnish misleading information before the Apex Court. In consequence, the party who has obtained interim relief, appears to enjoy the fruits of protection granted by the courts. Frequent change of counsels in a case, creates unnecessary impediments, which not only place the Court in a difficult position but also hinders the effective delivery of justice.

6. Learned Counsel for O.P. No. 2 has also informed this Court that the pleadings in the connected application have already been exchanged in the year 2022 itself. All hurdles are being created in order to save the applicant (husband) and his family members by not arguing in the connected matter. He further informs that a very meagre amount of Rs. 2,000/- as interim maintenance was being given to O.P. No. 2 and said

maintenance application has been dismissed on grounds of jurisdiction, therefore, she is not getting a single penny to maintain herself.

7. Learned counsel for O.P. No. 2 prays for and is granted time to file an affidavit bringing on record all the facts relating to O.P. No. 2 as to what harassment she has been facing and details of cases filed between the parties, and also to submit a reply to the supplementary affidavit. He may also file a counter affidavit.

8. It is stated that an application for withdrawal of vakalatnama has been filed by Mr. R.P. Yadav, learned counsel for the petitioner, in the Registry on 04.09.2025 which is not on record. Office is directed to trace out and place it on the record.

9. Ms. Archana Dwivedi/ O.P. No. 2 is present before this Court. She has been identified by Mr. Arvind Kumar, learned counsel for O.P. No. 2.

10. It has been informed by learned Senior Counsel that the date fixed before the Apex Court in the matter relating to connected petition is 10.10.2025.

11. In view of the above, the matter is posted for **15.10.2025**, for further hearing.

12. This Court hopes that learned Senior Counsel will prepare his case before the next date fixed and no further adjournment will be sought by him on the ground of preparation.

(Mrs. Manju Rani Chauhan,J.)

September 16, 2025

Saurabh/DS